

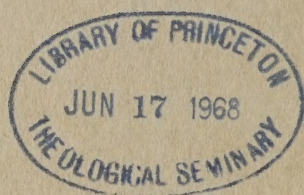
Walter F. Eagleson

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The Virgin Birth

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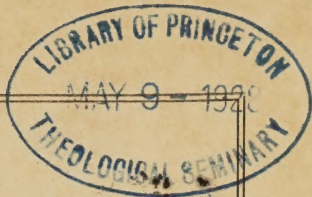
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# The Virgin Birth

Should the Presbyteries send Commissioners  
to the next General Assembly who will  
cleanse the stain on the doctrine of  
the Virgin Birth of Our Lord?

✓  
BY REV. WALTER F. EAGLESON, D. D.

Minority Judge of the Judicial Commission



THE PRESBYTERIAN, from which this pamphlet is a reprint, gives the first public view ever presented from the inside of the Supreme Court of the Presbyterian Church, called the Permanent Judicial Commission. The reader is invited for the first time, to sit as a spectator on the proceedings of our Court which admitted to our Presbyterian ministry men who do not affirm belief in certain of our Standards

# The Virgin Birth

## I. The Story Told. The Historic Background

THE struggle in New York Presbytery runs back to a time before the Briggs' trial, and before Union Theological Seminary was separated from the Presbyterian Church. A few words reviving history will aid our understanding.

In 1910, New York Presbytery was accused by Complaint to the General Assembly and found guilty of receiving into the Presbyterian ministry men who did not affirm belief in the Virgin Birth. The Assembly that year acted as teacher, and issued a "Deliverance," teaching New York Presbytery the essential doctrines of our church, as follows:

"It is an essential doctrine of the Word of God and our Standards—

"1. That the Holy Spirit did so inspire, guide and move the writers of Holy Scripture as to keep them from error.

"2. That our Lord Jesus Christ was born of the Virgin Mary.

"3. That Christ offered up himself a sacrifice to satisfy divine justice and to reconcile us to God.

"4. That on the third day he rose again from the dead with the same body with which he suffered, with which also he ascended into heaven, and there sitteth on the right hand of his Father, making intercession.

"5. That our Lord Jesus showed his power and love by working mighty miracles. This working was not contrary to nature, but superior to it."

These doctrines have become known as "The Five Essentials." It looked like the teacher had succeeded. Several years went by and the pupil obeyed. But, in

1916, New York Presbytery was again accused and found guilty of bringing into the ministry two men who did not affirm belief in the Virgin Birth of our Lord. The Assembly was a little harder this time. The committee of the Assembly having the matter in charge labored lovingly and personally with the commissioners of New York Presbytery, with prayer and searching of heart and doctrine. They came to an agreement that New York Presbytery would thereafter obey the doctrinal tenets above enumerated, and would therefore receive no more men into the Presbyterian ministry unless those men were "clear and positive" in their affirmance of the above "Five Essentials." It was further agreed that if candidates appeared thereafter who were not "clear and positive" in their affirmance of these five essentials, their reception into the Presbyterian ministry would be delayed by the Presbytery of New York until they became so. The Assembly was a little sterner this time. It exalted the agreement into a judicial decision, called a "Positive Mandate," which is in part as follows:

"The General Assembly renews its Positive Mandate, with full expectation of loyal compliance by all our presbyteries, and directs, when a candidate appears who is found to be not clear and positive on any of the fundamentals of our faith, that his licensure be deferred until such time as in the judgment of presbytery he has become so."

The commissioners of New York Presbytery returned home that year and reported what they had done, and the agreement they had entered into as the duly chosen representatives of that presbytery. The presbytery was a little slow in taking action, but on January 17, following, the Minutes of presbytery say: "We accept it for our guidance." These words were offered by the Committee on Examination of Candidates, so that they bind both that committee and the presbytery. This seemed to settle the whole matter, as the presbytery gave every evidence of obedience to the "positive mandate."



Omitting the stir in the situation in 1923, there came a new outbreak in 1925, when four men who did not affirm belief in the Virgin Birth of our Lord were presented to the Assembly from New York Presbytery, in violation of the above agreement of 1916, in disobedience to the Positive Mandate of the same year and contrary to the Five Essentials enumerated in 1910. The Assembly was a little sterner still. Two of the four cases were disposed of in 1925 at Columbus with such severity that the Moderator came to the rescue, as he viewed it, and appointed his Commission of Fifteen to bring peace to the church. The other two cases were delayed year by year, and were the cases at issue at San Francisco, in 1927. One is the case of Mr. Fuller, and the other is the case of Mr. Hall.

Moreover, this last breach of faith is under aggravated form. There is a belief that when you once ordain a man, you cannot "un-ordain him." If the presbytery can only get him ordained before the Assembly can hear the case, then the Assembly is outwitted. Mr. Hall was licensed on April 13, 1925, and a Complaint was immediately made to the Assembly. But before the Assembly could meet to pass on the Complaint, the Presbytery of New York ordained Mr. Hall on April 30, 1925, or about three weeks before the Assembly was to meet to hear the case. Two months later, on June 8, 1925, some brethren offered a resolution, saying, "The presbytery therefore promises obedience hereafter to this decision of the 137th General Assembly." This was promptly defeated by New York Presbytery.

The judicial decision at San Francisco, in 1927, by the majority, justifies the Presbytery of New York in breaking the agreement of 1926; justifies them for ordaining before the case could be heard by the Assembly; justifies them for insubordination to the Positive Mandate of 1916; and justifies them for ordaining when the Five

Essentials were violated. The majority decision is a reversal of the historic position of the church. Never before has a judicial commission given a decision which did not sustain the doctrine of the Virgin Birth of our Lord. The majority decision is the first spot. It admits judicially to the ministry men who do not affirm belief in the virgin birth.

Through the years, Union Theological Seminary, which was separated from our denomination by such heresies, has been seeking some church which will consume her output of ministerial students. She has been trying through the above contests to get the judicial door opened again into the Presbyterian ministry for her graduates. These two men are her output in part. It would be a travesty to put the seminary out with her or our millions of money, and then let her graduates taught in those heresies come in.

Neither judicial nor legislative standing has ever before been given to heresies about the virgin birth of our Lord, by the Presbyterian Church in the U. S. A. If the church be satisfied, now and henceforth, with a constitutional interpretation which gives judicial approval to doubters of the Virgin Birth to enter our ministry, no action by the next General Assembly is necessary. Or, if the Presbyterian Church in the U. S. A. be satisfied with a judicial reversal of the historic position taken in the above judicial decisions, no action by the next General Assembly is necessary. The presence of the doctrine in our creed is worth exactly nothing if you cannot enforce it through your judicial department. The recital of the Apostles' Creed, after you have opened the judicial door, does not close the door nor clean the spot. The recital of that creed, led so profoundly by the Moderator after receiving unbelievers, is not even mentioned in the Minutes of the Assembly. It was like an anesthetic to put the patient to sleep while a painful operation was being performed.

It is my earnest belief that the church has reached a place where it should do one of two things. It should stand by its historic doctrine of the Virgin Birth of our Lord, or it should back down. If it wishes to back down, perhaps the most graceful way would be to allow the miscounted vote on the judicial decision against the virgin birth to stand as the new and final position of the church. But if the Presbyterian Church in the U. S. A. wants to maintain adherence to this doctrine, both legislatively and judicially, then this first spot, this first stain at San Francisco, should be made one of the paramount issues of the next General Assembly. Therefore, in this, my first of several letters, I urge the question suggested in the subject of this article, Shall the presbyteries elect commissioners to the next General Assembly who will cleanse the spot on this great doctrine?

## **II. The Contest Within the Supreme Court**

At the very beginning of this case, as heard at San Francisco, in 1927, the majority and the minority judge separated in opinion as far as the east is from the west. This I said in the Court itself.

The question of disagreement was, What evidence is admissible in this, a Complaint case? The majority of the Court rejected all evidence except the Minutes of the presbytery; and some of those Minutes, helpful to the defenders of the Virgin Birth (complainants), were not present. But I accepted all evidence which was properly filed for a "Complaint case." If the majority of the Court be correct, that the Minutes of presbytery which keep no record of a candidate's belief are the sole and only admissible evidence to prove him unsound, then their decision is the correct one, and should stand. But if I, the minority judge, be correct, that additional evidence may be admitted by our rules, then these cases have not been dealt with judicially by the majority, and should be



made a paramount issue of the next General Assembly.

I will enumerate below the fourteen chief sources of evidence on which I rely to the extent of their value, with a word telling the nature of each exhibit. Should all evidence enumerated below be rejected but exhibit one?

1. The Minutes of the Presbytery of New York of November 17, 1924, having to do with the reception of Mr. Fuller. The Minutes of April 13, 1925, having to do with the licensure of Mr. Hall. These Minutes are of value to the challengers of the Virgin Birth (respondents) because, keeping no record of the candidate's beliefs, they tell nothing incriminating about the candidates. And the candidates are therefore counted judicially orthodox.

2. The Minutes of Presbytery of June 9, 1924, which tell of the rejection of one of the candidates at that time because the presbytery was not "satisfied." These Minutes are of value to the defenders of the Virgin Birth (complainants) because they place on the challengers of the virgin birth the duty of showing what change came into the candidate's beliefs with which the presbytery was not "satisfied" at one time, but became "satisfied" at a later time.\*

3. Minutes of January 12, 1925. Of great value to the defenders of the Virgin Birth, because they mention officially "records and papers relating to the matter," and serve as subpoena on those papers to appear in court.\*

4. Protests, letters, etc., from elders, deacons and trustees of New York Presbytery to the number of "68 from 17 of the churches." These are in the archives of New York Presbytery, and should appear in court as "records and papers relating to the matter."\*

5. The minority reports of the Committee on Examination of Candidates of New York Presbytery. Very valuable to the defenders of the Virgin Birth.\*

6. Notices of complaint, with reasons therefor, and voluminous papers, as presented to the court in 1925 and

1926, at Columbus and Baltimore.\*

7. Declaration of beliefs of candidates. This is a splendid custom of New York Presbytery, by which a candidate reads or recites a prepared declaration of his beliefs.\*

8. Stenographic records. Exhibiting questions by examiners and the answers by the candidates.\*

9. Affidavit of November 19, 1924, in which men take oath that questions put to a candidate during the examination were not answered, were refused, and that the candidate was sustained in the refusal. The moderator commented that "the last General Assembly made it clear that the Constitutional questions were the only test, and that all other questions that might be raised were ultra-confessional."\*

10. Affidavit of November 19, 1924, in which men take oath as to the unsound faith of a candidate, and give specific instances. What court in the civilized world refuses to hear an affidavit properly filed?\*

11. Affidavit of February 11, 1925, in which the stenographer takes oath that the records were a true and accurate report of the proceedings.\*

12. Testimony of complainants, given verbally at Columbus, in 1925, and later rejected.

13. Testimony of respondents, given verbally at Columbus, in 1925, and later rejected.

14. Report of the examination appearing in the daily papers of New York. Not properly filed.

Thus, the evidence of the defenders of the Virgin Birth was doubly discriminated against. First, it was not transmitted by the stated clerk, who miscounted the votes in favor of the challengers of the Virgin Birth. Second, it was rejected by the majority of the Court, as if it had

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\* These evidences were before the Judicial Commission at Columbus, in 1925, or at Baltimore, in 1926, but were not in Court at San Francisco in 1927, for some unknown reason. The stated clerk is the custodian of records.



been present and had failed to comply with the rules. So far as I could see, the challengers of the virgin birth, respondents, were able to get their side before the Court, one hundred per cent perfect.

The minority decision subpoenaed all evidence to appear in Court before a new judicial commission, to report to the next General Assembly.

If our rules debar all evidence save the Minutes of presbytery which keep no records of a candidate's beliefs, then, the rules should be speedily revised so as to admit the evidence. But if our rules already admit the evidence, and have only been misinterpreted, then the Virgin Birth cases should be made a paramount issue of the next General Assembly.

Do our rules already admit the evidence? The rule on which the majority rejects all evidence except the Minutes of presbytery is Rule 25 of the Book of Discipline, which they quote as follows: "Nothing which is not contained in the record shall be taken into consideration in the higher judicatory." At first glance, this quotation seems to settle the controversy in favor of the majority.

In the debate on the floor of the Assembly, I pointed out that that quotation is the rule for transmission of evidence in a trial or "appeal case." This is the kind of case where one pleads "guilty or not guilty," as provided in two sections earlier, Section 23. It has to do with cases where men are being tried. But these candidates were not being tried. They were being examined. This case before us is not an "appeal case." It is a "complaint case." And the rule for the transmission of evidence in a complaint case is not Rule 25, but Rule 93, which is as follows: "The judicatory against which a complaint is made shall send up its records and all the papers relating to the matter of the complaint, and filed with the records, and for failure to do this it shall be censured."

This rule admits eleven of the above exhibits.

The rule for a complaint case even directs that "the parties shall be heard." This would add two additional exhibits to the above. It says, "If the higher judicatory finds that the complaint is in order," it shall read the records and "then the parties shall be heard." This seems not to have been understood by the majority decision, which says, "It is the function of this body to review properly constituted and certified records."

Moreover, the majority decision quotes only such portion of Rule 25 as suits their purpose. The unquoted part of the rule speaks of "charge," "specifications," "plea," "judgment," "Minutes of the judicatory," "reasons, if any, shall be filed," "together with the evidence in the case duly filed." All these "shall constitute the record in the case." And "nothing which is not contained in the record shall be taken into consideration in the higher judicatory." How can the majority of the Supreme Court interpret all these things to mean only "Minutes of Presbytery"? Their own rule, when quoted in full, condemns their rejection of all evidence but the "Minutes of Presbytery."

No former judicial commission in all history has limited the evidence to the Minutes of Presbytery in Virgin Birth cases. The majority at San Francisco stands alone when compared to former courts and former interpretations of the rules. Indeed, I believe that this rejection of all evidence but the Minutes of presbytery is not an interpretation of Rule 25, but is the interpretation of the hearts and the personal desires of the Court.

It is hard to stand alone and apart from the honorable and distinguished men who make up the Supreme Court. And yet, I do not stand alone. I stand with the fifteen judges who were loyal in deciding the Virgin Birth cases at Columbus in 1925. I stand with the additional fifteen who, in 1916, issued the "positive mandate" that no men



are to be brought into the ministry till they are "clear and positive" in declaring belief in the Virgin Birth. I stand with the able Court of 1912 (not described above) and leaders of 1910 who issued their famous "Deliverance" teaching the five points called "The Five Essentials." Here are sixty judges. I stand with them. Perhaps I should add Matthew and Luke, who tell the stories about the Virgin Birth of our Lord. The majority of the Judicial Commission was numerically small in this comparison, and I do not feel, therefore, that I stand alone. Should the presbyteries send commissioners to the next Assembly who will cleanse the stain on the great doctrine of the Virgin Birth?

### **III. The Stenographer Catches the Words**

No case has come to the General Assembly, in the years I have been a member of the Court, in a better state of preparation than this. A stenographer was brought into New York Presbytery to record questions and answers, during the examinations of Candidates Fuller and Hall. The stenographer is described as a very capable and high-priced worker.

I have a profound respect for stenographic evidence. I see the House of Representatives having a stenographer who walks from place to place, to stand beside the Congressman speaking. I observe the Senate unwilling to proceed until stenographers are ready. I see in the Supreme Court of the United States, the same reliance on stenographers. For a person to believe he is a Modernist, and be opposed to anything so modern as a stenographer, is to admit before the case has started that he could not win his case if accurate evidence be presented.

This stenographer was kindly received by the venerable man who has won the confidence of his fellows, as shown by his many re-elections as moderator of New York Presbytery. He invited her to an advantageous seat, where

she could hear all that went on. She had a preferential place, that she might do her work accurately. She is a Christian woman. Would she be likely to garble the testimony in such a way as to make these young candidates appear to be doubters of the Virgin Birth, if in reality they were believers? Christians are so anxious to see loyal young men entering the ministry, that they would defend true, orthodox young men at any cost. It is hard to suspect that this Christian stenographer would record the words of candidates as disbelievers of the virgin birth if in reality they were true believers of it.

Moreover, the candidates have now had three years in which to make a statement that they do now believe the virgin birth. It is hard to conceive how any true believer of this can be charged with unbelief, and he neglect through three years to declare his true loyalty. This failure of the candidates to make a statement that they believe the Virgin Birth of our Lord is a strong evidence that the stenographic records represent them accurately. I will select some outstanding questions and answers from these records, and give the corroboration in my next letter.

A. "My seminary course has been for three years. I spent the first year over in a new college in Edinburgh, Scotland; the second at Oxford; and the third, a part of a year in Union Theological Seminary."

(New York Presbytery thinks the product of this mongrel and unapproved mixture will be sound Presbyterian doctrine. We shall see.)

Q. "Do you accept the Gospels of Matthew and Luke as to the Virgin Birth?" (Observe the candidate's evasive answer.)

A. "As to that, as Dean Brown, of Yale, said when he was asked, What do you believe about the Virgin Birth? I say what Paul said. Paul said nothing."

Q. "You know perfectly well that at the time of licen-



sure, you are expected to conform to the Confession of Faith?"

"Yes, sir."

Q. "Now, as to the Virgin Birth, you made some statements which did not satisfy my mind."

A. "I do not believe in the Virgin Birth. No matter whether you believe the New Testament to be true, or open to doubt. From Matthew to Revelation it is not taught."

So speedily did the candidate cease to be Pauline and "say nothing." Paul at least did not say, "From Matthew to Revelation, it is not taught."

Q. Is it not taught in the Confession of Faith?"

A. "Yes."

Q. "Is that not one of the Standards by which a man is to be received as a minister?"

A. "I do not believe that it is vitally—of vital consequence to believe in the divinity of Jesus Christ. I believe in the divinity of Christ."

Q. "Then I take it that you do not believe in the virgin birth?"

A. "I cannot deny nor affirm it."

Q. "Do you believe that Jesus Christ raised Lazarus from the dead?"

A. "I neither affirm it nor deny it; but I am willing to learn."

Q. "Did Jesus Christ have a bodily resurrection?"

A. "I believe that Jesus rose in the same identity, but not in the body. The same identity, but not in the body."

Q. "Do you believe the account that Jesus appeared to his disciples and as a proof of his appearance, ate honey comb with his disciples?"

A. "I will say that this eating of fish and honeycomb represents the way the disciples expressed the reality of Jesus rising from the dead. That is the way they took."

Q. "Do you believe Jesus actually, with his risen body,

partook of fish and honeycomb?"

A. "That represents the way the disciples took of expressing it."

In course, the candidate said: "Jesus Christ was humanity at its best, because he was God in the fullness of God's character." What is meant by the last part of this sentence, in view of his unbelief in the virgin birth, is any one's guess. But the first part is plain. "Jesus Christ was humanity at its best." But the Presbyterian Church has ever held that Jesus Christ was vastly more than "humanity at its best." He was God, on an equality with God the Father and God the Holy Spirit. "These three are one God, the same in substance, equal in power and glory," says our Standard.

There were two young men involved in the Judicial Decision.

Q. "Do you believe that Jesus Christ had a physical mother?"

A. "Yes."

Q. "Do you believe that Jesus Christ had a physical father?"

A. "Yes."

Here, one of the numerous disorders for which New York Presbytery was rebuked by the Supreme Court at Columbus, in 1925, broke loose in presbytery. And after it was over, "Later, Mr. Fuller was given permission to withdraw the last answer, but he substituted nothing to take its place."

The examiner pressed for a clearer expression of his belief about the Inspiration of Scripture and the virgin birth, and asked, "Would you believe any statement which appears in three of the Gospels, but not in the fourth, and would you believe any statement which appears in two of the Gospels, but not in the other two?"

"He refused to answer."

There is a supreme importance in this refusal to an-

swer. The story of the virgin birth is told in two of the four Gospels. Yet the candidate did not affirm it. Would he believe any statement which appeared in three of the Gospels, but not in the fourth; and would he believe any statement which appeared in two of the Gospels, but not in the other two? How can he escape either declaring belief in the virgin birth which is told in two of the Gospels, or denying the Inspiration of Scripture? The candidate foresees his dilemma and, to escape it, "He refused to answer."

But the examiner pursued him further and asked, "Do you or do you not believe in the Virgin Birth of our Lord Jesus Christ?"

"He refused to answer."

The Moderator said: "The last General Assembly made it clear that these constitutional questions were the only test, and that all other questions that might be raised were ultra-confessional."

Asked about the raising of the son of the widow of Nain, the candidate said, "I am not in a position to make a positive affirmance." Asked about Christ walking on the water, he said, "My position would be the same."

The Presbytery of New York believes the above answers are good, sound, orthodox Presbyterianism, and conform to our Confession of Faith. New York Presbytery is "satisfied," constitutionally. So is the Synod of New York. And the majority of the Supreme Court at San Francisco, in 1927, joined the Synod and the Presbytery of New York in approving the above as the kind of teaching contained in our Confession of Faith.

It is hard to stand alone and differ from the great men who grace the Supreme Court of the Presbyterian Church in the U. S. A. But I cannot approve the above testimony as sound, orthodox Presbyterian teaching, conforming to our Standards. The church paid my way across the continent, not to follow the majority of the Supreme



Court, but to give an honest opinion in matters of Presbyterian Constitution and Presbyterian doctrine. In my opinion, the above testimony shows that the young men do not believe:

1. The Virgin Birth of our Lord;
2. The miracles of our Lord;
3. The inspiration of Holy Scriptures;
4. The resurrection of the Body of our Lord.

I believe also that the Moderator possesses no authority to excuse a candidate from answering questions in the examination when the questions are exposing the candidate's heresy. And I believe the Supreme Court has erred in endorsing all the above as sound doctrine and constitutionally correct.

If the Presbyterian Church in the U. S. A. shares the opinion of the great men making up the majority of the Supreme Court, that the above is good, sound, orthodox Presbyterian doctrine and procedure, then, no action is necessary by the next General Assembly. But those presbyteries which share my opinion that the candidates are not Presbyterian in faith may well debate the problem suggested in the title of this article. Shall the presbyteries send commissioners to the next General Assembly who will cleanse the stain on the doctrine of the virgin birth of our Lord?

#### **IV. The Elders, Deacons and Trustees of New York Speak Up**

When New York Presbytery made ministers of the young men who do not affirm belief in the virgin birth of our Lord, a storm of indignation swept the laymen of New York Presbytery. Letters from dissenting elders, deacons and trustees began pouring into the presbytery. Just how many of these letters there were is uncertain, but a Minute of presbytery says, "And from elders, deacons and other officers to the number of 68

from 17 of the churches of presbytery." Also, a presbyter says: "At least 90 elders have signed a paper in which they request this presbytery not to license young men who disbelieve the Virgin Birth." This looks as if the Lord had still remaining 7,000 in Israel who have not bowed the knee to Baal. I will give some extracts from the "68 from 17 of the churches," or from the "90 elders who have signed a paper."

"We, the elders, deacons and trustees of the Fort Washington Presbyterian Church, hereby protest. From the report of our eight who attended the presbytery, we learn that (the candidate) declined to affirm his belief in the inspiration of the Holy Scriptures, in the miracle of Christ walking on the water, in the miracle of the raising of Lazarus, in the miracle of the raising of the dead son of the widow of Nain, in the doctrine of the virgin birth of our Lord, and in the resurrection of the body of Christ from the tomb. We also learn that the candidate stated that he believed that Jesus had both a physical mother and father. We are amazed and astounded. We believe that the presbytery has brought the name of the church into shame and disgrace."

Another writes: "At the session meeting of the St. Nicholas Avenue Presbyterian Church, the following resolution was made that we, as a session, disapprove," etc., the receiving of the unbelieving candidate.

Still another writes: "The following named elders of the Fourth Presbyterian Church take this means of expressing their very deep anxiety concerning the action of the presbytery in ordaining to the ministry or admitting from other sources, men who express their lack of conviction," etc., about the important doctrines under discussion.

Also, officers from many churches assembled, wrote: "We, the elders, deacons and trustees of the undersigned Presbyterian churches, deplore and regret the admission

of a young man who, upon examination, declined to affirm his belief in several of these essential doctrines; declined to affirm his faith in the Virgin Birth of our Lord, and specifically stated that he believed that Jesus Christ had a physical mother and also a physical father; declined to affirm his faith in the resurrection of Lazarus, in the miracle of Christ walking on the water, in the resurrection of the son of the widow of Nain. He was also very hazy in his statement about the resurrection of the body of Jesus Christ from the dead, saying he was not able to affirm the resurrection of the physical body."

When these letters began pouring into the Presbytery of New York, a most interesting thing occurred. Letters are usually answered promptly. And they should be answered very promptly if presbytery believes the information contained in the letters is incorrect. These letters were dated in November and December, 1924. Not until April 13, 1925, or six months later, did the Presbytery of New York venture to answer these letters. The New York Presbytery seems to have gone into the storm-cellar until the indignation of those dissenting elders, deacons and trustees had spent itself. Even then, after six months, New York Presbytery still owed it to those dissenting officers of its churches to give them correct information about receiving unbelievers of the Virgin Birth, if presbytery knows those officers are incorrect. But New York Presbytery will hardly dare tell all these officers, "68 from 17 of the churches," that all their information is incorrect, unless the presbytery has pretty good proof of it. This proof the presbytery does not have; or if it has, did not present it in Court. Those officers sending the protests had been present in large numbers at the examination of unbelieving candidates, and had heard for themselves the candidates' denial of the virgin birth, the miracles, the inspiration of Scriptures, and the resurrection of the body. The answer New York Presbytery



gives, six months late, does not deny, directly or indirectly, the accuracy of the evidence contained in the letters from officers of its churches, numbering "68 from 17 of the churches." Instead of denial of the evidence, New York Presbytery takes refuge in telling those laymen how very helpless the presbytery is to render a cure. The presbytery thereby lays on the higher judicatories the entire responsibility of curing the blunders it does not deny having committed when in correspondence with "68 from 17 of the churches" of the presbytery. The answer in its salient parts was:

"Their petitions have been received by presbytery and received careful consideration (six months of it), and that while presbytery acknowledges the zeal for the church's welfare, that their petitions evidence that there is no way in which it could reverse its reception of Rev. Carlos G. Fuller into the ministry."

Thus, the presbytery in no way refutes the testimony of its dissenting officers, numbering "68 from 17 of the churches," and it even lays on the higher judicatory the responsibility of effecting a cure for its undenied blunders in receiving into the ministry men whose beliefs are as stated in the letters, protests and dissents from at least "68 officers from 17 of the churches." Will the higher court give the cure?

With all the above-named letters, dissents and protests in the archives of the Presbytery of New York, let us now turn to the Majority Decision at San Francisco in 1927, which says: "The records contain no evidence that the presbytery acted improperly." But the Minority Judge thinks the above dissents, protests and petitions are a good deal of evidence. The Minutes of New York Presbytery at least twice recognize those dissenting communications and in no wise refute them. This is evidence. And the unrefuted Word of those "68 from 17 of the churches," must be heard in court, under the rule (93), which says that the lower judicatory must send up "all the papers

relating to the matter" in a complaint case. This is evidence. When New York Presbytery itself does not refute the word of those "68 from 17 of the churches," how can the Supreme Court at San Francisco impugn them? The Minority Judge believes that in the face of the unrefuted word of those "68 from 17 of the churches" the majority at San Francisco cannot maintain their declaration in the Majority Decision that, "the records contain no evidence that the presbytery acted improperly."

It is particularly convincing to know that the unrefuted word of those "68 from 17 of the churches" corroborates the stenographic evidence in every vital essential. This makes the stenographic evidence dependable. Indeed, the corroborative evidence is stronger still. In my second letter, I enumerated fourteen sources of evidence. I am now ready to say that thirteen of these sources bear direct or indirect testimony that the candidates were not "clear and positive" in affirming belief in our Standards. One only remains silent. The Minutes of Presbytery, keeping no record of a candidate's heresy about the virgin birth, "neither affirm it nor deny it." The Majority Decision makes the whole case turn on the fact that the Minutes do not affirm the heresy of the candidates, and therefore the candidates are innocent of charges. Would I have a right to reverse that unsound argument and say the Minutes do not "deny" the charges of heresy against the candidates, and therefore they are guilty as charged? It is strange how the Modernists fall for that "neither-affirm-nor-deny" business when it works to their advantage. But they would probably take truculent exception to it when it is reversed and works to their hurt.

The Presbyterian Church in the U. S. A. has covenanted to keep faith with all its churches on the basis of conformity to the Confession of Faith. Here are "68 from 17 of the churches" in liberal New York who beckon to

the General Assembly to keep that faith and maintain that covenant with them. These "68 from 17 of the churches" have lifted their voices. They have spent money, perhaps running into thousands, to defend their part in that covenant of loyalty by carrying these cases through the delays of the Court from 1924 until to-day, and they are willing to spend more. They ask only that the Assembly keep that faith with them. When they ask bread, shall the church give them a stone? When they offer unrefuted testimony, shall we set it aside by the unsupported word of the majority of the Court, which says, "The records contain no evidence that the presbytery acted improperly"?

I believe the Presbyterian Church in the U. S. A. is not ready to impugn the word of those elders, deacons and trustees, officers of New York churches, when even their own presbytery has not done so. Preferably, I would expect the Presbyterian Church in the U. S. A. to be proud of those elders, deacons and trustees, loyal officers of New York churches, numbering "68 from 17 of the churches." Hats off to those brave churchmen who detected the difference between Presbyterianism and heresy!† With such men back of our churches in New York City, our cause there will live and prosper. But, let not the Presbyterian Church in the U. S. A. discourage them by defeating them without hearing their evidence in court! If those "68 from 17 of the churches" should become discouraged, disheartened and should give up, then New York Liberalism would run without restraint. It would bring into our ministry any kind of "inclusive church" heretic, and no protest would be made. Our ministers and elders everywhere owe it to those loyal laymen to see that they get a square deal. This they

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† High honor to those "ninety elders who," having detected wrong-doing by the presbytery, "have signed a paper."



have not yet had when our Supreme Court "settled the case," as one publication says, without giving these loyal laymen a hearing or, as they call it, their day in Court. They have a right to have the evidence on their side heard, as well as the evidence on the other side. And the Supreme Court, which limited admissible evidence to the Minutes of Presbytery, has not heard their side yet. They should be heard. The great doctrine of the virgin birth must not be defeated in our General Assembly without a hearing. Should the presbyteries send commissioners to the next Assembly who will cleanse the stain on the doctrine of the virgin birth of our Lord?

## **V. The Case Grows Bigger. The "Inclusive Church"**

When the last Assembly became aware that they were on record against the virgin birth, though they had voted twice in its favor, a flame of excitement spread among the commissioners. It seemed to grow. That night found lobbies of hotels very busy debating the matter. The corridors of the assembly hall began to fill earlier than usual the next morning, which was the last day of the Assembly.

During the reading of the Minutes that morning, a challenge came from the floor. An action was taken from the floor intended to prevent the judicial decision adverse to the virgin birth becoming a precedent. But no record of this action from the floor appears in the Minutes of the General Assembly, which say: "The Moderator announced that the proceedings . . . did not become a precedent overruling the Constitution of the church." This "announcement" will not restrain future judicial commissions from using it as a precedent. The present Moderator possesses no authority or restraint over future bodies. As the debate between the Moderator and the Assembly began to wax warm, and the Assembly seemed to be getting out of control, the Moderator led in the

recital of the Apostles' Creed. Of course, this recital was an endeavor to get the Assembly to accept the judicial decision by official blunders, as the bonafide decision of the Assembly. Do not understand me to be hitting at the Moderator. Things transpired so quickly when started that no one could weigh the pending results. I am not hitting at the Stated Clerk either for miscounting the votes. But I think both errors should be corrected. Judicial decisions by official blunders are unconstitutional. And when the results lead to a judicial interpretation recognizing the "inclusive church" and the coming of men possessed with the heresies of these young men, those blunders by Moderator and Clerk should be corrected. These men would show a new turn from their customary loyalty if they did not wish those errors corrected.

But since the Moderator appealed to the Apostles' Creed, and led the Assembly in its recital to quiet them, let us see how our Creed would sound when interlined with the beliefs of these students:

"I believe in God the Father Almighty, Maker of heaven and earth: and in Jesus Christ, His only Son, our Lord; who was conceived by the Holy Ghost—I neither affirm nor deny it—born of the Virgin Mary—I do not believe in the virgin birth. No matter whether you believe the New Testament to be true or open to doubt. From Matthew to Revelation it is not taught—suffered under Pontius Pilate, . . . the third day He arose from the dead—'with the same identity, but not in the body'—I believe in the Holy Ghost, . . . the resurrection of the body—'with the same identity, but not in the body,' " etc.

Suppose the Moderator had asked the General Assembly to repeat the Creed in the language of those students, would the Assembly have surrendered to the Moderator's request that no one protest? I cannot conceive of our Assembly being willing to repeat our Creed with the meaning set to the beliefs of those poorly taught students

and their mongrel theology from several seminaries. Nor do I believe those youths with such heresies could sincerely lead a Presbyterian congregation in the recital of our Creed. Such interpretation of our Creed would be blasphemy itself for worshipping Presbyterians.

While the Minority Judge dissented alone, yet there were two of us in the Judicial Commission who spoke for the side of the Virgin Birth and voted for it. (The other was that great and distinguished leader of a lifelong pastorate in the western end of the Keystone State. Sooner expect the arch to fall than that the Keystone State would prove untrue. Did you hear the voice of the Pennsylvania commissioners in the General Assembly, "like the voice of many waters and as the voice of a great hunder," voting in favor of the Virgin Birth?)\* This brother and myself seemed to me to be entirely too small a margin of representation on which to reverse the historic position of the church on this or on any loved and entrenched doctrine.

If this doctrine is to be reversed, such reversal, in my opinion, should be by the legislative department of our church and not by the judicial. It is my opinion that all judicial decisions should be strongly given in defense of this doctrine of the virgin birth, until the legislative department removes it from our Apostles' Creed, from our Confession of Faith, from our Larger Catechism, from our Shorter Catechism, from our Brief Statement of the Reformed Faith, from the Constitutional questions in our Form of Government, where it is at least implied, from our hymns of praise and from our Digest, which records the many judicial decisions of our church in the maintenance of this doctrine of the virgin birth. So long as this doctrine of the Virgin Birth stands so strongly and repeatedly stationed and entrenched in our Standards, just so long every judicial decision should be rendered



with complete conformity to it. Even though the judges of the Supreme Court themselves disbelieve it or doubt it, they possess thereby no constitutional right to bring in a judicial decision which violates it and these many Standards.

For the Court in San Francisco to ignore the above many Standards, and then bring in a judicial decision contrary to them all, on the ground of the statement of doubtful meaning, "the presbytery must be satisfied," seems to me to be straining at a gnat and swallowing a camel.

With the above violations of the Apostles' Creed and other Standards in mind, what is the value of the majority decision, which says: "The record discloses that all the requirements of the Constitution are fully met?" Are the requirements of the Constitution fully met in the Apostles' Creed above? That Creed says Christ was "conceived by the Holy Ghost, born of the Virgin Mary," but the candidate says Christ had a physical mother and father. Are "all the requirements of the Constitution fully met" by the beliefs of that young man? Our church teaches the inspiration of Scripture. But that young man refused to say he would believe a statement if it appeared in three Gospels out of four. Are "all the requirements of the Constitution fully met" in his beliefs about inspiration of Scriptures? He would not affirm his belief in the miracle of the raising of Lazarus, or the miracle of the raising of the dead son of the widow of Nain, or the miracle of Christ walking on the water, or the bodily resurrection of Christ. Are "all the requirements of the Constitution fully met" in these beliefs or unbeliefs?

The Constitution requires also that an examination shall be "close and particular." But this candidate was excused from answering questions when they began showing his heresy. The examiners were greatly hin-

dered in their duty. And the Moderator covered the retreat of the heresies of the candidate by saying that such questions as these of the examination were found by the last Assembly to be "ultra-confessional." By thus shielding the heresies of the candidate, the probabilities are that the candidate is more heretical than appears in the records we have, though these are quite unsatisfactory enough. If the examiners had been allowed their Constitutional right to uncover the heresies of the candidate, probably heresies much more vicious from the Presbyterian standpoint would have been discovered. Is this moderatorial restraint of examiners to be approved as constitutional? Is the Presbyterian Church in the U. S. A. ready to receive into our ministry candidates whose known heresies violate our most sacred tenets, men whose unexplored heresies are curtained, concealed, protected by moderatorial intervention, and do so on the ground that "the record discloses that all the requirements of the Constitution are fully met?" If so, the liberal, "inclusive churchmen" of New York have reached their Mecca of theological delight.

Through the years the inclusive churchmen of New York have wanted precedent which would justify them in receiving into our ministry men who do not "affirm" belief in the Virgin Birth, miracles, inspiration of the Scripture, bodily resurrection, nor in such other parts of our Confession of Faith as suits them to hold a "mental reservation." The present Judicial Decision fulfills their long-sought ambition. The "inclusive church" doctrine has been rejected by our General Assembly for many years, and on numerous occasions. Is it now to gain foothold on the slender thread of miscounted votes by the Stated Clerk and misruling by the Moderator?

When this candidate will not affirm belief in a statement which appears in three Gospels out of four, what message could be preached on a text which appears but

once in Scripture? And when he will not affirm belief in miracles, bodily resurrection and like great doctrines, has he anything else he can preach but ethics? And when he will not come into our church by the straight gate, but climbs up some other way, has he even ethics to present by example as well as by precept?

In the defense of these great doctrines, the "faith of our fathers" led them to brave the "dungeon, fire and sword," and even "the lion's gory main." Shall we, their successors, now defend the same great doctrines for which they "bowed their necks to feel the death"? "Who follows in their train " Should the presbyteries send commissioners to the next Assembly who will cleanse the stain on the doctrine of the virgin birth?

## **VI. What Should be Done? An Opinion**

In their search for an issue with which to defend a presbytery which licenses and ordains in violation of our Constitution, the Majority decision hit on the doctrine of presbytery's "rights." "It is the presbytery which must be satisfied," they say. But this does not take into account the "rights" of the General Assembly. There are two interested parties.

This is parallel to the doctrine of states rights in relation to the rights of the Federal Government. At the price of a fratricidal war, our Federal Government and the state governments learned the proper relation which should exist between these two. "No state has a right apart from the other states, after all the states, through their duly chosen representatives, have spoken." Likewise, no presbytery has a right apart from the 299 other presbyteries, after all the presbyteries through their duly chosen representatives have spoken.

True, the presbytery must be "satisfied." It corresponds to the state government. But so must the Federal Government, the General Assembly.

The state government, the presbytery, has no more right to bring a heretic into the Presbyterian ministry on the ground that the presbytery is "satisfied," than a state government would have to bring counterfeit money into



circulation to compete with federal money and do so on the ground of state rights that the state is satisfied.

And a presbytery which would bring such heretic into the ministry would have no more right to send that heretic into another presbytery or church, than a state would have to send its counterfeit money into an adjoining state in the discharge of debts.

A most illuminating instance of this came before the Court at San Francisco. A minister was recommended to the Kanawha Presbyterian Church of Charleston, West Virginia, as an orthodox minister. They found him to be something else, according to testimony. A minority sought release. But the Court held that as he "is a duly ordained minister of the gospel of the Presbyterian Church in the U. S. A., the question of his particular religious or theological views could not be raised as an objection to the validity of such election." This judicial decision had to be given in order to be consistent with the decision in the Virgin Birth cases admitting such unbelievers into our ministry. If such unbelievers are to be admitted by judicial decisions, the only cure is that already announced in the Lackawanna Presbytery, which orders that all comers hereafter shall be examined the same as students for the ministry.

This doctrine of presbyteries' rights, as sole rights, final rights, without review by the Federal Government, the General Assembly, is based by the Majority decision on a mis-statement of the constitutional teaching on which it relies. "It is the presbytery which must be satisfied." The "It," which singularizes the duty, placing the entire responsibility on the presbytery, is not in the Constitution. The truth is that the General Assembly also must be satisfied if "controversy" arises, because the Constitution gives the General Assembly final authority, "in all controversies respecting doctrine."

This constitutional power of the Assembly to enforce doctrinal tenets, should be exercised within the domain of a presbytery when such presbytery neglects "clearly and positively" to defend and safeguard our Presbyterian doctrines. The General Assembly should not allow one presbytery to break faith doctrinally with the other 298.

Our Presbyterian doctrines have not been "clearly and positively" safeguarded by the Presbytery of New York

when that presbytery is "satisfied" on hearing a candidate for the ministry say, "I do not believe in the Virgin Birth No matter whether you believe the New Testament to be true or open to doubt. From Matthew to Revelation it is not taught." Neither has that presbytery "clearly and positively" safeguarded our doctrine when it is "satisfied" constitutionally on hearing a candidate say our Lord was only "humanity at its best," or "I do not believe it is vitally—of vital importance to believe in the Divinity of Jesus Christ." Our doctrines are not affirmatively safeguarded by the Presbytery of New York when that presbytery ordains men who do not believe in the bodily resurrection, the miracles, or the inspiration of Scripture. The intervention of the authority of the General Assembly into the affairs of such a presbytery becomes necessary when that presbytery adopts heresies as better than doctrines for which our church stands. If a presbytery, under guise of being "satisfied," could bring into our ministry heretics without redress by the superior judicatory, then New York Presbytery could bring into our ministry a Voltaire, an Ingersoll, a Hondo, an atheist, a mad man, or a fool, and the church would be powerless to cleanse itself of such intrusion.

If New York Presbytery does not welcome a doctrinal enforcement within their bounds, they can forestall it by maintaining pure the doctrines for which our church stands. The necessity of intervention by the Federal Government, the General Assembly, into the state rights of the Presbytery of New York is the product of a long line of instances named in my first letter, where that presbytery has deliberately refused to co-operate with the General Assembly in the maintainance of our doctrinal tenets.

When New York Presbytery will not control those recognized evils of bringing into our Presbyterian ministry men who preach another gospel than Presbyterianism as stated in our Confession of Faith and Creed and other Standards, it clearly becomes the duty of the superior judicatory, the General Assembly, to interdict the evils. The Majority Decision, denying the General Assembly such supervisory power, is basically wrong. It advances the claims of state rights above the claims of federal rights. This means that the inferior judicatory

has become the superior one.

The Federal Government, the General Assembly, should enforce in New York the doctrinal tenets of the Virgin Birth, the inspiration of Scripture, the working of miracles, the resurrection of the body, by virtue of being the superior judicatory. In so doing, it is not assuming powers which under our Constitution belong solely to the presbytery. The Assembly is exercising a power which the presbyteries themselves have imposed upon it by and through the Constitution, which directs that the Assembly shall have final authority "in all controversies respecting doctrine."

The Scriptural warrant for having in our Confession of Faith these great doctrines, the Virgin Birth, the working of miracles, the inspiration of Scripture, the resurrection of the body, was a fitting subject of doctrinal debate before our Confession of Faith was adopted. But, after these have been adopted and agreed upon by our 299 presbyteries as doctrinal tenets of our Presbyterian Church, the refusal of the Presbytery of New York to conform to them, cannot possibly be justified on that ground of state rights, that the presbytery is "satisfied." Our Constitution requiring ministers of our church to be able honestly to "affirm" these doctrines, should not be outlawed nor dissolved by the "satisfaction" of an inferior judicatory.

As the Presbytery of New York does not like our doctrinal tenets of the Virgin Birth, the working of miracles, the inspiration of Scripture, the resurrection of the body, they have the privilege, right and duty to seek the repeal of these from our Constitution. But for one presbytery out of 299 to defy the enforcement of these doctrines, or nullify them, or dissolve them while they are an unrepealed portion of our Confession of Faith, is unpatriotic, non-defensible, and in our civil courts would be called un-American. If New York does not wish to seek the repeal of these doctrines from our Constitution, they should then undertake to obey them along with the other 298 presbyteries.

But since New York does not obey these doctrinal tenets, has not done so, and has been found guilty repeatedly of violation, the General Assembly would seem to have before it two alternatives: it can visit New York

Presbytery with a doctrinal enforcement, or it can temporarily (or even permanently) abdicate its superior authority in such matters.

There is a place in the United States and in the world for a church like our own which believes in the virgin birth, the working of miracles, the inspiration of Scripture and the resurrection of the body. Our Presbyterian Church has been filling that place. On these cornerstones our Presbyterian Church in the U. S. A. has become great among the denominations of the world. In 221 years of organized Presbyterianism in the United States, we have never lowered our banner on these great doctrines until we came to San Francisco. Shall we not in this 222nd year lift up again that ensign in the midst of the people?

**This case has passed every Court. There is no higher Court to which it can be appealed. Neither is there any law by which the present Judicial Commission can take it up again. The only way by which this case can be brought to the attention of the next General Assembly is by the universal right of "petition." Will the reader be one to aid to the extent of signing his name?**

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TEAR OFF AND MAIL AT ONCE

PETITION

I join with others in petitioning the next General Assembly to re-hear the Virgin Birth cases, to the end that justice may be done.

Name .....

Address .....

Church.....

Please mail at once to Rev. Walter F. Eagleson, D.D.,  
1704 Irving Street, N. E., Washington, D. C.



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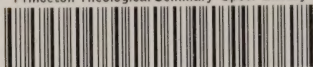
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